

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR353
)	
v.)	
)	
DANIEL LLOYD,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for reduction of sentence (Filing No. 81) and on the motion to withdraw filed by Michael F. Maloney, Assistant Federal Public Defender (Filing No 84).

The defendant seeks a modification or reduction of his sentence pursuant to the recent amendments to the crack cocaine guidelines in the United States Sentencing Guidelines. On December 1, 2004, the defendant was found guilty to Count I of an indictment which charged defendant with conspiracy to possess with intent to distribute at least fifty (50) grams of cocaine base. He was exposed to a mandatory term of imprisonment of not less than one hundred twenty (120) months.

On March 11, 2005, defendant was sentenced to a term of imprisonment of one hundred twenty months (120) months. Modifications to the United States Sentencing Guidelines reducing the offense levels for crack cocaine are unavailable to the defendant as the mandatory minimum term of imprisonment prevent

the Court from imposing a sentence below one hundred twenty (120) months, regardless of the sentencing range under the guidelines. For these reasons, defendant's motion will be denied.

Accordingly,

IT IS ORDERED:

1) Defendant's motion for reduction of sentence is denied.

2) The motion of Michael F. Maloney to withdraw is granted; Michael F. Maloney is deemed withdraw as counsel for defendant.

DATED this 11th day of June, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court